

REMARKS

Claims 1-25 and 28-34 currently appear in this application. The Office Action of September 13, 2004, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicants respectfully request favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Election

It is noted that claim 30 has now been included in the elected group and has been examined.

Non-statutory Double Patenting

Claims 1-25 and 28-29 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16, 19 and 20 of U.S. Patent No. 6,586,630.

This rejection is respectfully traversed. Submitted herewith is a terminal disclaimer signed by the undersigned attorney which should obviate the double patenting rejection.

Rejections under 35 U.S.C. 112

Claims 24, 25 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

Appn. No. 09/890,219
Amd. dated December 1, 2004
Reply to Office Action of September 13, 2004

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed. Claims 24 and 25 have been amended in accordance with the Examiner's helpful suggestion to recite "pharmaceutical composition" and "an inert pharmaceutically acceptable carrier." Claim 30 has been amended to define the radicals therein.

Allowed Subject Matter

It is noted that the elected species is allowable.

In view of the above, it is respectfully submitted that the claims are in condition for allowance, and favorable action thereon is earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By:



Anne M. Kornbau

Registration No. 25,884

AMK:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\Y\YUAS\Matsuoka18\Pto\AMD 01 DEC 04.doc